

Trump Urged On Fake Fox News Story, Defamation Suit Says - Law360

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Law360, New York (August 1, 2017, 5:35 PM EDT) -- President Donald Trump reviewed efforts by Fox News Channel and a Republican donor to craft a now-retracted article about the killing of a Democratic National Committee aide, according to a defamation suit filed Tuesday in New York federal court by a Fox contributor.

The White House pushed Fox to run a story suggesting that the source of DNC emails leaked to WikiLeaks was Seth Rich, who was shot dead in a D.C. neighborhood in July 2016, in order to extinguish speculation that Trump colluded with Russia to influence the outcome of the presidential election, paid Fox News contributor Rod Wheeler alleged.

Wheeler, who says he was hired by Trump supporter Ed Butowsky on behalf of Rich's family to investigate the unsolved fatal shooting, says quotes were falsely attributed to him in a May 16 story by Fox investigative journalist Malia Zimmerman with Butowsky's backing. Wheeler says the intentional fabrications were inserted to discredit the U.S. intelligence community's determination that Russia hacked the DNC and released the emails to WikiLeaks.

The quotes read: "'My investigation up to this point shows there was some degree of email exchange between Seth Rich and WikiLeaks,' said Wheeler," and "'My investigation shows someone within the DC government, Democratic National Committee or Clinton team is blocking the murder investigation from going forward,' Wheeler said. 'That is unfortunate. Seth Rich's murder is unsolved as a result of that.'"

Wheeler, a former homicide detective, says Fox made him a pawn in the article to further the White House's agenda. As a result, his reputation as an honest investigator was destroyed, according to the lawsuit.

In the lawsuit, Wheeler says Butowsky, a Texas financier, was the genesis for the story and worked behind the scenes to push it, emailing Fox news on-air personalities on how to frame its conclusions.

On May 14, prior to publication, Wheeler says Butowsky left a voicemail for him, saying, "We have the full, uh, attention of the White House on this. And tomorrow, let's close this deal, whatever we've got to do."

That same day, Wheeler says he got a text message from Butowsky reading, "Not to add any more pressure but the president just read the article. He wants the article out immediately. It's now all up to you. But don't feel the pressure."

The article cited anonymous [FBI](#) officials who said that Rich had shared DNC emails with WikiLeaks. Wheeler says Butowsky and Zimmerman worked closely together on the article, and closely kept the White House advised of its progress, even meeting with then-press secretary Sean Spicer in April to discuss the details of Rich's death.

After publication, the Rich family condemned Wheeler for politicizing his death. Wheeler says his efforts to correct the record resulted in media outlets declaring that he had backtracked on his story, which eroded his credibility.

Wheeler says that when confronted, Butowsky allegedly said he knew the quotes were made up but, "One

day you're going to win an award for having said those things you didn't say."

After Wheeler tried to distance himself from the article, he says, Butowsky made two defamatory tweets, one indicating he was paid by the DNC to retract his account, another suggesting he lied.

On May 23, Fox retracted the story, explaining that it failed to meet editorial standards. In a statement, Jay Wallace, the president of news at Fox News, said that the accusation Fox published the story to divert coverage from the Russia collusion investigation is false.

"The retraction of this story is still being investigated internally and we have no evidence that Rod Wheeler was misquoted by Zimmerman," Wallace said. "Additionally, Fox News vehemently denies the race discrimination claims in the lawsuit — the dispute between Zimmerman and Rod Wheeler has nothing to do with race."

Wheeler, who is black, also claims his superiors at Fox discriminated against him based on his race. As white colleagues with similar skills were given more chances to appear on the network — and make more money — his career stagnated.

In an email to Law360 on Wednesday Wheeler's attorney, Douglas H. Wigdor, noted that "at the same time that [21st Century Fox's](#) General Counsel, Gerson Zweifach, was meeting with the UK regulators in an attempt to convince them that Fox had in place procedures to ensure compliance with broadcasting standards to purchase Sky, Fox News was working with the Trump administration to disseminate fake news in order to distract the public from Russia's alleged attempts to influence our country's presidential election."

Wheeler is represented by Douglas H. Wigdor, Jeanne M. Christensen and Michael J. Willemin of [Wigdor LLP](#).

Counsel information for Fox was not immediately known.

The case is Wheeler v. Twenty-First Century Fox Inc. et al., number [1:17-cv-05807](#) in U.S. District Court for Southern New York.